

MAPPO Legislative Platform Survey Results

April 6, 2018

The following pages are screen shots from the platform survey which closed yesterday afternoon.

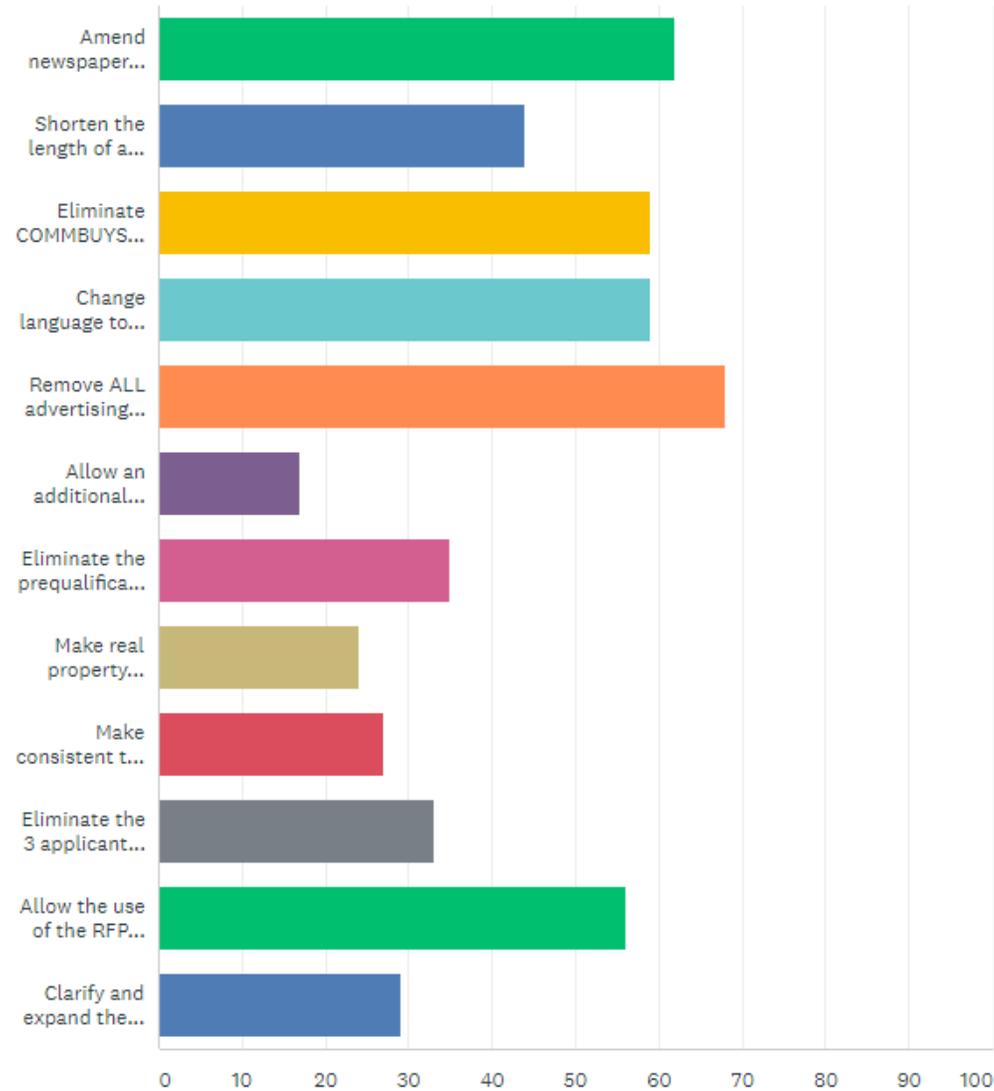
- Question 1 has a chart and percentages of the selections.
- Question 2 has a compilation of the written responses.
- Question 3 has a compilation of the written responses.
- Question 4 has a chart and percentages of the selections.

The total number of responses was 79! Thank you!

Q1

Please check the Legislative Actions you feel MAPPO should advocate for or initiate:

Answered: 79 Skipped: 0



ANSWER CHOICES	RESPONSES
▼ Amend newspaper advertising requirement to add "may advertise" rather than "shall advertise" in a newspaper (relates to COMMBUY question below).	78% 62
▼ Shorten the length of a newspaper advertisement to simply state the title, brief description of the procurement, and link to the jurisdiction's website.	56% 44
▼ Eliminate COMMBUYS posting requirement for all c. 30, 39m and c. 149 projects, as COMMBUYS is a goods and services website and not for construction.	75% 59
▼ Change language to "may advertise" rather than "shall advertise" on COMMBUYS. Language may read "be published at least once, not less than two weeks prior to time specified for receipt of bids, in a newspaper of general circulation within the area served by the governmental body OR on the COMMBUYS system administered by the operational services division.	75% 59
▼ Remove ALL advertising requirements for amounts under \$50,000 to streamline the quote process to solicit 3 quotes. The advertising requirement defeats the purpose of eliminating the bidding procedure for projects under \$50,000.	86% 68
▼ Allow an additional factor in criteria to prequalification criteria: "Experience brought forth by applicant."	22% 17
▼ Eliminate the prequalification process altogether as being cumbersome and costly, having little benefit and little effect on the submission of sub-contractor and general contractor bids.	44% 35
▼ Make real property proposals (c. 30b, section 16) public only after a decision is made as the disposal of the property has several public components to it (declaration of surplus, approval of sale) by the select board or elected city/town council.	30% 24
▼ Make consistent the interview and shortlisting options across all procurement laws, including the c. 30b RFP process. Allow short-listing process across all procurement levels as well.	34% 27
▼ Eliminate the 3 applicant minimum requirement for qualifications based procurements.	42% 33
▼ Allow the use of the RFP process for procurements estimated to cost less than \$50,000.	71% 56
▼ Clarify and expand the ability of the jurisdiction to keep certain types of business proposals confidential until an award is made. Proposals may contain proprietary or intrinsic information. The inability for a procurement official to make proprietary decisions during evaluation and consideration is problematic. Further, make awarded proposal public upon award, but allow other proposals to remain confidential until a contract is executed.	37% 29
Total Respondents: 79	

Please list any other Legislative items you feel the Legislative Team should consider adding to the Legislative Platform or for future platforms.

1. Prevailing wage modified to allow local businesses to bid on smaller projects. Many other states have modified processes. You can't eliminate prevailing wage, unions are too strong, but we could likely modify to help reduce burden on smaller projects and open up the market to smaller firms that are afraid to bid prevailing wage.
2. Just recently came to my attention that there is a requirement for all construction contracts over \$100K that the awarded vendor provide the city/town 1. A Statement of Management on Internal Accounting Controls, and 2. A Statement prepared by a Certified Public Accountant (CPA) on the companies financial controls. For smaller contracts of just over \$100K this was recently an issue where the Contractor did not have this. Most large construction companies will have this in place so i was looking to increase the \$100K threshold to \$500K or \$1 million.
3. No prevailing wage for projects under \$50k.
4. Make bid amounts the same for bidding purposes through quotes, bids and RFP.
5. Emergency utility repairs to water or sewer lines should be exempted from c. 30/39M procurements and be subject to c. 30B procurement without need to notify or seek permission from state agencies.
6. Recommend Accounting Software be exempt from 30B; and add Auditor Services to 30B.
7. Exempt smaller procurements (e.g. under \$1 million) from prevailing wage requirements & the need to get certified payrolls each week.
8. Get rid of Central Register and Good and Services and ONLY have CommBuys.
9. Advocate for the replacement of the "Purchasing Agent" Title with the permanent title of "Chief Procurement Officer" and make it, legislatively, at equal organizational par with the position of the Auditor and Treasurer.
10. Eliminate the prevailing wage requirement for projects under \$50K, eliminate for leased of portable toilets and sole source hauling vendors. Streamline the prevailing wage laws so that they are consistent and easier to understand. some of the categories (landscaping, hauling) are very unclear. It is very difficult for staff in the field know that they should be requiring prevailing wages for some of the obscure categories and exceptions to the prevailing wage law.
11. Eliminate prevailing wage requirements (or at the very least review the types of projects they apply to!
12. RESTORE PREVIOUS M.G.L. PROCUREMENT REQUIREMENTS FOR NON-EXECUTIVE BRANCH DIVISIONS OF THE COMMONWEALTH OF MASSACHUSETTS.
13. Software Subscription services licensing, upgrades, etc. Previously when you purchased actual software (via a competitive bid, not educational), per the I.G., you could continue to purchase future licensing & upgrades from the software producer as "sole source". Now, most software is actually a subscription service, you do not take possession of a hard copy of the software, so you are not really purchasing it, just the license to use it. Now the I.G. says that since it is not actual software, once your contract runs out (say 3 years), you cannot simply renew a license and continue to use it, you have to re-bid. For many software applications this can be troublesome and a serious interruption in some cases. I believe these subscription services should be viewed in the same manner as the previous software package purchases.
14. Require competitive procurement process for engineering services.

Please add any comments or discussion points you feel the Legislative Team needs or might be interested in. You may also email any supporting documentation to mdelaney@fitchburgma.gov for inclusion in discussion.

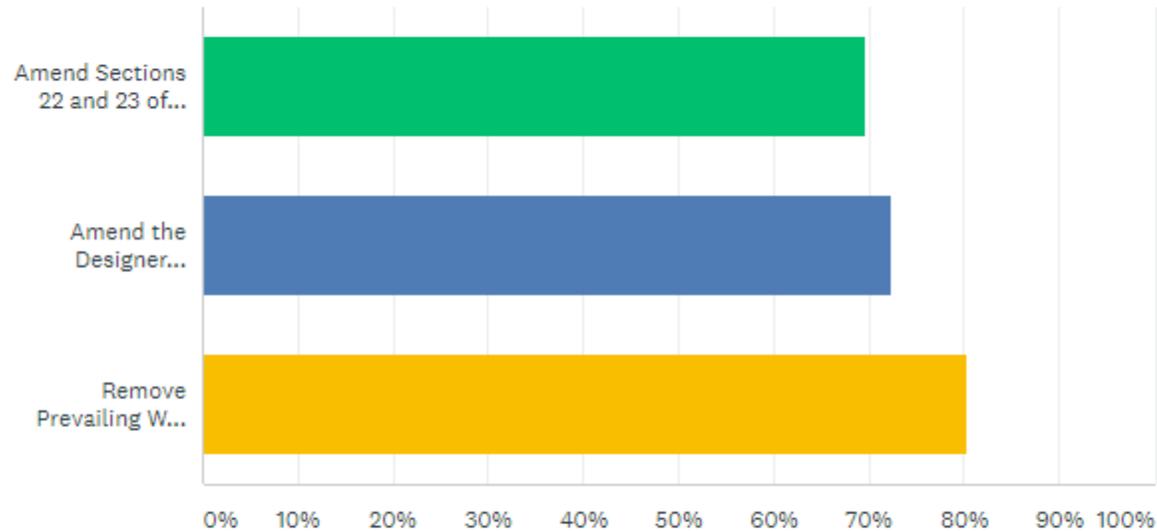
1. Regarding eliminating COMMBUYS for public works and public building construction projects: COMMBUYS is definitely not just for goods and services. Due to the new tradespersons contracts, I have been able to use COMMBUYS for small construction projects.
2. I agree with all of the items you are discussing action on. We need more flexibility in procurement particularly when it comes to the Designer Selection law and Prevailing Wage requirements on all public work.
3. I am currently "battling" with a state contract vendor on whether they need to sign a contract w/ the Town. M.G.L 30b 17A specifically states we need to have a contract yet the vendor and the contract manager say "no". Would be helpful to have the state support local gov't in the rules the state passed for local gov't to use. Thus far I have found 2 glaring irregularities in the MCPPO manual.
4. The additional requirement of commbuys has made purchasing more difficult. It was better the old way. The commbuys website is hard to navigate.
5. Advocate for administrative relief between constitutional offices so that "post once" be implemented for posting of construction notices with the state, unless COMMBuys rule is eliminated.
6. Great selection of initiatives! Kudos to the team...
7. The empire that has developed around procurement since 30B passed stuns me. I have been in and out of local government (mostly as a town administrator) since the 80's. The cost of certification is way too high for small town governments. And frankly, unnecessary.
8. The advertising requirements are too complicated. We should not have to advertise for projects under \$50K. By the time it gets in the Central Register, it can take almost a month to open a quote for small projects.
9. FOR NON-EXECUTIVE BRANCH DIVISIONS OF THE COMMONWEALTH OF MASSACHUSETTS REMOVE THE OSD COMMBUYS REQUIREMENTS.
10. Requirement for prevailing wage rates only when the competitive process is 'good or sound business practice'.

Q4

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The following actions are being promoted or considered by groups other than MAPPO. Please check any you feel that MAPPO should support.

Answered: 76 Skipped: 3



ANSWER CHOICES	RESPONSES
Amend Sections 22 and 23 of c. 30b to allow for the procurement of supplies AND SERVICES from cooperative contracts.	69.74% 53
Amend the Designer Selection Law to increase the thresholds from \$10,000/\$100,000 to \$50,000/\$500,000	72.37% 55
Remove Prevailing Wage Requirements for projects costing less than \$50,000	80.26% 61
Total Respondents: 76	